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No. 10

SUPREME COURT U.S.
OCT 28 2010
OFFICE OF THE CLERK

In the Supreme Court of the United States

S.Ct. Case No. 09-1332

Mr. Charles J. Sain
Petitioner,
vs.

Carolyn Snyder, et. al.
Respondents

PETITIONER'S PETITION FOR REHEARING

Mr., Charles J. Sain
10018 Inca Ct. N.E.
Albuquerque, NM 87111
(505) 298-1007

Mr., Charles J. Sain
Petitioner, Pro Se

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Petition

COMES NOW Plaintiff ("Sain") and, to exhaust his remedies, does under S.Ct. Rule 44 timely submit the instant PETITIONER'S PETITION FOR REHEARING ("PETITION"). As grounds for the granting of the instant PETITION Sain submits:

1. Sain's PETITION FOR A WRIT OF CERTIORARI (PETITION") was unconstitutionally and otherwise unlawfully denied on October 4, 2010, to wit:

A. Said denial unlawfully granted relief (the dismissal of the case they have sought since it was filed in the District Court) to "the Enterprise"'s participants (described throughout the record)), something this Court had no jurisdiction to do. Said back-door grant was unlawful for a myriad of reasons including violating this Court's rules, prior Court rulings, Federal laws and the U.S. Constitution (see Appx. I, throughout and Appx. II, §s 22-30 therein).

B. Sain has the Right to Petition the Court under U.S.Const.Amend I. Under 28 U.S.C. 2072 the Court can make rules if they do not abridge, enlarge or modify any substantive right.

C. Sain filed a EMERGENCY MOTION FOR

ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF (see Appx. I) which was refused by the Court Clerk (see Appx. I) even though the rules contemplate such a Motion (see Appx. II, §s 22-30).

D. Sain also filed a PETITIONER'S SUPPLEMENTAL BRIEF (see Appx. II) and a PETITIONER'S SECOND SUPPLEMENTAL BRIEF (see Appx. III) which were both refused by the Clerk because they did not have a tan colored cover.

E. The color of the document cover has nothing to do with the document's contents, or its voracity or its title or the typeface or the font, and document preparation rules do not limit this Court's acceptance of documents as proven by the fact that the petition, hand-written on prison paper, and, despite the pro se petitioner therein giving no reason for he not complying with the rules regarding document preparation, was not only accepted by this Court but granted in the case of *Gideon v. Wainwright*, 372 U.S. 335.

F. Also, as in Sain's case re his SECOND SUPPLEMENTAL BRIEF, if the quantity of the new information in a supplemental brief exceeds the word count (which is ambiguously either 9000 words [Rule15.8 re following form of brief in opposition] or 3000 words [Rule 33.1(g)(iv)]) then the rule violates 28 U.S.C. 2072 and must be stricken because it forces a litigant (as it would have Sain) to leave out favorable new information in violation of his 1st and 9th Amendment Rights (Due Process,

Equal Protection, to present evidence in his favor).

G. The three refusals did not comply with the rules, 28 U.S.C. 2072, prior Court rulings and precedents, and violated Sain's 1st and 9th Amendment Rights. The documents should have been accepted, filed and adjudicated together with the PETITION.

H. This Court has original or appellate jurisdiction regarding cases and controversies (see End Note 1) brought before it. Sain's case is of the latter type. He has complied with all that is required of him for the Federal Courts to decide all matters associated with said case ("In cases brought to enforce constitutional rights, the judicial power ... necessarily extends to the independent determination of all questions, both of fact and law, necessary to the performance of that supreme function." *Crowell v. Benson*, 285 U.S. 22, 60 (1932), referenced in § 51, p. 53 of Sain's RENEWED EMERGENCY APPLICATION TO THE HONORABLE CHIEF JUSTICE JOHN ROBERTS FOR PERMANENT INJUNCTION ("RENEWED APPLICATION")(S.Ct. Doc. No. 10A3 unlawfully denied (see Appx. III throughout) on August 16, 2010); see also, "[t]he very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." *Marbury v. Madison*, 1 Cranch 137, 163, 2 L.Ed. 60 (1803); see also Sec. 24 of the September 24, 1789 Judiciary

Establishment Act; see also the All Writs Act, 28 U.S.C. 1651). The record is devoid of any proof that he has not complied nor is there any proof in the record that anything he has averred in his PETITION and RENEWED APPLICATION is invalid.

I. Sain has also ongoingly pressed the issue that many relevant and material matters favorable to him have been intentionally and unlawfully left undecided (See e.g. PETITION (End Note 5, pp. 34-36; APPENDIX II, pp. 3-12) and RENEWED APPLICATION (§ 47, pp. 49-51; FN 12, p. 52; §s 57(E)-57(H), pp. 63-69; §s 72-73, pp. 98-100)). This Court has prior ruled that leaving such matters undecided is inappropriate (see "The Court reverses and remands to permit consideration of any remaining contentions by respondents that were not treated in the Court of Appeals' opinion, a disposition acknowledged by the Government to be appropriate. See Brief for United States 22, n. 18.", *United States v. Hasting et al.*,103 S. Ct. 1974,1986). Had those matters been decided Sain would have immediately won his case.

J. By denying the PETITION this Court has failed to comply with the Constitution and laws of the United States and its own and other Courts' prior rulings (additionally, throughout the documents Sain has filed in this Court and those below he has relied on hundreds of rulings from this and other Courts in his defense but the Courts simply consciously avoided and ignored them to

Sain's detriment).

K. Among this Court's powers is that of *supervisory control over the lower Court's* (see End Note 2).

L. As the record proves, throughout the long history of this case Sain has proven that "the Enterprise"'s participants have intentionally violated his Rights and have ongoingly and intentionally engaged in illegal conduct (see PETITION, RENEWED APPLICATION, and Appxs. I-III throughout) including illegal conduct utilized to unlawfully gain and issue unlawful rulings against Sain. Said acts have not been denied by the perpetrators and have been admitted. Sain has rightly and ongoingly pressed the Courts, including this Court, to vindicate his rights by taking action, as required by law, against those perpetrating said acts but in not one instance has any Court taken any action against said perpetrators.

M. Although having been made aware of said violations and illegal conduct and that they resulted in unlawful and unconstitutional rulings against Sain, this Court ignored its supervisory powers thereby supporting, aiding and abetting those perpetrators, implicating itself in said violations and illegal conduct, and unlawfully protecting "the Enterprise"'s participants from being held accountable for their acts.

N. Throughout the PETITION and the RENEWED APPLICATION, indeed, throughout the entire case, Sain has

ongoingly detailed, with un-denied and un-rebutted proof, the host of constitutional violations and crimes perpetrated and being perpetrated against him under color of law including but not limited to Due Process and Equal Protection violations, lies, deceit and fraud used to obtain and to issue false and fraudulent rulings against Sain, bribery, false imprisonment, false arrest, unlawful restraint, enslavement (life-long education ban resulting in severe economic hardship and the theft of custody of his two Children), the unlawful use of ARMED GOVERNMENT TROOPS against him, perjury, suborning perjury, wire fraud, mail fraud, extortion, robbery, unlawful wire taps, around-the-clock surveillance, Rights violations (civil and criminal), Racketeering, the usurpation of Congressional authority by the judiciary, interference in State and National elections (see Appx. III), denial of asylum, and Treason all resulting in the deprivation of Sain's Rights and the heinous and intentional destruction of his life, family and reputation but this Court has failed to comply with its Constitutional and statutory obligations to ensure justice is served in these matters.

O. The United States routinely utilizes claims of human rights violations to discipline other countries (and groups such as the Taliban) through the United Nations. The *United Nations Universal Declaration of Human Rights* (see Appx. IV) adopted on December 10, 1948 by the General Assembly of the

United Nations of which the United States is a founding member describes those rights.

P. The acts being perpetrated against Sain violate (in addition to they being violations of the Constitution and laws of the United States) nearly every Article ("A") of that *Declaration* (A1 -All human beings are born free and equal in dignity and rights; A2 - Everyone is entitled to all the rights and freedoms set forth in this Declaration; A3 - right to life, liberty and security of person; A4 -No one shall be held in slavery or servitude; A5 -No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; A6 -recognition before the law; A7 -equality before the law; A8 -Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law; A9 -No one shall be subjected to arbitrary arrest, detention or exile; A10 -fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations; A11 -presumption of innocence until proved guilty; A12 -No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks; A13 - right to freedom of movement and residence; A14 -right to seek asylum; A16 -right to found a family and to equal rights during marriage

dissolution; A17 -right to own property and against arbitrary deprivation of his property; A19 -right to freedom of opinion and expression; A20 -right to freedom of peaceful assembly and association; A21(3) -free and fare elections; A22 -social and cultural rights indispensable for his dignity and the free development of his personality; A23 -(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment; A25 -right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services; A26 -right to education; A29 -(1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations; A30 -Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms

set forth herein) thereby undeniably proving that "the Enterprise"'s participants and their operatives are on a par level with the Taliban and those governments and countries (such as North Korea, Iran, and Cuba (Sain has already described the parallels between "the Enterprise" and the DPP (Democrat Political Party, (AKA) Fascist Democrat Party, FDP) and Hitler's Fascist Nazi Party, see § 6, p. 16, of the RENEWED PETITION)) that the United States has routinely sought sanctions against through the U.N. and otherwise for human rights violations.

Q. As Article 29.3 of the *Declaration* states "These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations"

and because the *United Nations Charter* (59 Stat. 1031) was ratified as law in the United States on August 8, 1945,

and because among the purposes of the United Nations as stated in the *Preamble* to its Charter is
"to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small"

and because among the purposes of the United Nations as stated in Article 1 of said Charter are
"2. To develop friendly relations among

nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion"

and because Article 2.2 of the Charter states:
"All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.",

and because Article 55 therein states
"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:
a. higher standards of living, full employment, and conditions of economic and social progress and development;
c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

and because Article 56 therein states:
"All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."

it can not be denied that one of the purposes of the United Nations is to seek to achieve and protect human rights therefore by violating the identified Articles of the *Declaration* "the Enterprise"'s participants and operatives are also in violation of the United Nations Charter and United States law 59 Stat. 1031.

R. History proves that Christian principles were the groundwork for the Constitution and laws of the United States. The Ten Commandments are the backbone of those principles. The record proves that the intent of the ongoing actions perpetrated against Sain are to deny him justice, deny his Rights, to falsely accuse him and to rob him of his money, property, his family, his parental rights, his good name and his reputation, those along with unlawfully protecting "the Enterprise"'s participants. As such, said acts violate the 7th Commandment (Thou shalt not steal), the 8th Commandment (Thou shalt not bear false witness against your neighbor) and the 10th Commandment (Thou shalt not covet they neighbors goods).

S. Additionally, of the seven deadly sins, those perpetrating and aiding and abetting the ongoing unconstitutional and unlawful acts against Sain have over and over committed *Avarice* (disloyalty, deliberate betrayal, or

treason, especially for personal gain, for example through bribery, theft and robbery, especially by means of violence, trickery, or manipulation of authority), *Sloth* (laziness and indifference), *Acedia* (neglect to take care of something that one should do), *Anger* (impatience, revenge, and vigilantism), *Envy* (a desire to deprive other men of theirs, pleasure from seeing others brought low. See also the 10th Commandment), *Pride* (a desire to be more important or attractive than others, failing to acknowledge the good work of others, love of self perverted to hatred and contempt for one's neighbor) and *Vanity* (boasting, narcissism).

Conclusion

As proven, the denial of the PETITION does not comply with and violates the rules and laws of both God and man and is therefore unlawful, void, and must be reversed and the PETITION granted.

End Note 1:

". . . by the express terms of the Constitution, the exercise of the judicial power is limited to "cases" and "controversies." Beyond this it does not extend, and unless it is asserted in a case or controversy within the meaning of the Constitution, the power to

exercise it is nowhere conferred.

What, then, does the Constitution mean in conferring this judicial power with the right to determine "cases" and "controversies." A "case" was defined by Mr. Chief Justice Marshall as early as the leading case of Marbury v. Madison, 1 Cranch 137, to be a suit instituted according to the regular course of judicial procedure. And what more, if anything, is meant in the use of the term "controversy?" That question was dealt with by Mr. Justice Field, at the circuit, in the case of *In re Pacific Railway Commission*, 32 Fed. 241, 255. Of these terms, that learned justice said:
"The judicial article of the Constitution mentions cases and controversies. The term 'controversies,' if distinguishable at all from 'cases,' is so in that it is less comprehensive than the latter, and includes only suits of a civil nature. @ 2 U. S. 432. By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties, whose contentions are submitted to the court for adjudication."", *Muskrat v. United States*, 219 U.S. 346, 356-357 (1911).

End Note 2: ""[G]uided by considerations of justice," *McNabb v. United States, 318 U.S. 332, 341 (1943),*

and in the exercise of supervisory powers, federal courts may, within limits, formulate procedural rules not specifically required by the Constitution or the Congress. The purposes underlying use of the supervisory powers are threefold: to implement a remedy for violation of recognized rights, *McNabb, supra, at 340; Rea v. United States, 350 U.S. 214, 217 (1956);* to preserve judicial integrity by ensuring that a conviction rests on appropriate considerations validly before the jury, *McNabb, supra, at 345; Elkins v. United States, 364 U.S. 206, 222 (1960);* and finally, as a remedy designed to deter illegal conduct, *United States v. Payner, 447 U.S. 727, 735-736, n. 8 (1980).*", *United States v. Hasting et al., 103 S. Ct. 1974,* 1978.

Respectfully submitted by,

Charles J. Sam

Certificate of Rule 33.1 Compliance

The Movant, Sain, does affirm that the above PETITIONER'S PETITION FOR REHEARING complies with the word count limitations of S.Ct. Rule 33.1 in that its word count is 2993 words.

Signed _____
Charles J. Sain

Subscribed and sworn to me this 28th day of October, 2010, by Charles J. Sain.

My commission expires on 3-15-13

Notary Public _____

OFFICIAL SEAL
John P. Ansloan
NOTARY PUBLIC-STATE OF NEW MEXICO
My Commission Expires 3-15-13

Certificate of Rule 44 Compliance

The Movant, Sain, does affirm that the above PETITIONER'S PETITION FOR REHEARING complies with S.Ct. Rule 44, is restricted to the grounds specified in the Rule and that it is presented in good faith and not for delay.

Signed _____
Charles J. Sain

Subscribed and sworn to me this 28th day of October, 2010, by Charles J. Sain.

My commission expires on 3-15-13

Notary Public _____

John P. Ansloan
NOTARY PUBLIC-STATE OF NEW MEXICO
My Commission Expires 3-15-13

Appendix I

This Appendix contains the text of the EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF filed by Sain on August 9, 2010 and refused by the Clerk on August 11, 2010, and the text of the refusal letter.

No. 10

In the Supreme Court of the United States

S.Ct. Case No. 09-1332

Mr. Charles J. Sain
Petitioner,

vs.

Carolyn Snyder, et. al.
Respondents

EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF

Mr., Charles J. Sain
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Mr., Charles J. Sain
Petitioner, Pro Se

Comes now Petitioner ("Sain") and under S.Ct. Rule 21.2.(b) does move this Court to immediately enter a judgement of default against the respondents and for other relief as described below. As good grounds for this Motion Sain submits:

1) Sain has filed three pleadings with this Court (PETITION FOR A WRIT OF CERTIORARI ("PETITION") (filed April 14, 2010, Response due June 2, 2010), EMERGENCY APPLICATION TO THE HONORABLE JUSTICE SONYA SOTOMAYOR FOR PERMANENT INJUNCTION ("APPLICATION") (S.Ct. Doc. No. 10A3, filed June 10, 2010, denied June 30, 2010) which was followed by his timely submission of an ERRATA SHEET and a SUPPLEMENTAL ERRATA SHEET thereto on June 8, 2010, and June 9, 2010, respectively and, RENEWED EMERGENCY APPLICATION TO THE HONORABLE CHIEF JUSTICE JOHN ROBERTS FOR PERMANENT INJUNCTION ("RENEWED "APPLICATION") (S.Ct. Doc. No. 10A3, filed July 20, 2010) and has complied with the rules of this Court regarding providing Notice and Service of said filings to all of the listed respondents and as described in said pleadings this Court has jurisdiction.

2) Despite having Notice and an abundance of time in which to respond none of "the Enterprise"s participants (which include the respondents, see End Note 1, p. 30, of the PETITION for a description of "the Enterprise"'s participants)) has filed any response to any of those documents.

3) The said respondents are well aware that Sain

has three times informed this Court that they have failed to respond and have agreed to everything in the PETITION, the APPLICATION and the RENEWED APPLICATION (see p. 92 of the APPLICATION, § 16, p. 21 of the RENEWED "APPLICATION, and p. 121 of the RENEWED "APPLICATION) yet still they have made no attempt to challenge, admit or deny being informed or agreeing to said granting of the referenced documents and the relief requested therein.

4) Although not mandatory (see S.Ct. Rule 15.1) the respondents have not timely (within 30 days, see S.Ct. Rule 15.3, no waiver filed, S.Ct. Rule 15.5) filed a response to Sain's Brief and have therefore not only failed to present any arguments for denying the petition (see S.Ct. Rule 15.2) and the relief requested therein but, despite the fact that if all of the legal training and experience of "the Enterprise"'s participants (all of the lawyers, law firms and judges, whether they be defendants in this "case", those representing them or those presiding over the instant (i.e. Justice Sotomayor) and lower cases from which it arises) were to be totaled together it would undoubtedly total several hundred years on which to draw to identify such a misstatement (paraphrased from that which Sain stated in § 2.(E) of his REPLY BRIEF (10th Cir. Doc. No. 01018344509), have assured this court that they have not perceived any misstatement of fact or law (including their lack/loss of jurisdiction, see e.g. Question I and pp. 4-8 and End Note 5, pp. 34-36 of the PETITION) in the PETITION as is their

obligation to the Court (see S.Ct. Rule 15.2). Under those circumstances it must be conclusively presumed that there are no such misstatements and the record of the case on which the PETITION relies heavily supports such a presumption.

5) Because the respondents have filed no document with this Court they do "not qualify for any relief from this Court" (see S.Ct. Rule 12.6). Said relief would include denial of the three referenced pleadings and the relief requested therein.

6) Rule 12.6 corresponds to Fed.R.Civ.P. Rule 55 regarding defaults and under which Rule all of the defendants but Snyder, Stoops and BCSD defaulted by failing to respond to Sain's Complaint (just two of twenty-four consciously avoided and ignored issues described in End Note 5, pp. 34-36 of the PETITION; See also § 22.(G), pp. 35-37 of the APPLICATION and § 57.(G), pp. 64-66 of the RENEWED "APPLICATION) which should have resulted in Sain winning his case against them but he was unlawfully denied that win.

7) Additionally, this Court has affirmed the doctrine of unclean hands ("No principle is better settled than the maxim that he who comes into equity must come with clean hands and keep them clean throughout the course of the litigation, and that if he violates this rule, he must be denied all relief whatever the merits of his claim." *Root Ref. Co. v. Universal Oil Prods. Co.*, C.C.A.3d, 1948, 169 F.2d 514, 534–535, certiorari denied 69 S.Ct. 481, 335 U.S. 912, 93 L.Ed. 444, affirming). As described throughout the three referenced pleadings the record

and the evidence proves that "the Enterprise"'s participants have over and over violated Sain's Rights and the law throughout the seven-year-plus pendency of this "case", have never denied doing so and have presented no proof that they did not but have consciously avoided and ignored all matters, evidence and proof presented by Sain (see the three referenced pleadings throughout) in violation of his Due Process and Equal Protection Rights all of which mean that Sain should have won and should now win his case against them because of their unclean hands and lack of proof otherwise.

8) By pursuing their routine of consciously avoiding and ignoring and failing to admit, deny, challenge or disprove any of the averments and proof that Sain has presented against them including their unclean hands "the Enterprise"'s participants have admitted same (see *Business Guides*, 111 S.Ct. 922; *Ismail v. Cohen*, 706 F.Supp. 243) and have no right to any relief from this Court so, with an eye toward judicial economy and conservation of judicial resources, Sain does hereby move for the entry of a judgement of default against the defendants and that the three referenced pleadings be immediately granted including all of the relief he has requested therein and, because Sain's life and liberty are in constant danger (see the RENEWED APPLICATION throughout) he requests that said actions be taken within 72 hours of this Court's receipt of this motion.

Respectfully submitted,

Mr., Charles J. Sain

Certificate of Rule 33.1 Compliance

The Movant, Sain, does affirm that the above EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF complies with the word count limitations of S.Ct. Rule 33.1 in that its word count is 1048 words.

Signed _____
Charles J. Sain

Subscribed and sworn to me this 9th day of August, 2010, by Charles J. Sain.

My commission expires on 3-19-13

Notary Public _____

John P. Ansloan
NOTARY PUBLIC-STATE OF
My Commission Expires _____

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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

August 11, 2010

Charles J. Sain
10018 Inca Ct. N.E.
Albuquerque, NM 87111

RE: Sain v. Snyder, et al.
No: 09-1332

Dear Mr. Sain:

The papers pertaining to the above-entitled case received August 11, 2010 are herewith returned. The Rules of this Court make no provision for filing a motion for entry of default judgement. if you are seeking to file a supplemental brief, you must comply with the filing requirements of Rule 15.8.

Sincerely,
William K. Suter, Clerk
By:

Jeffrey Atkins
(202) 479-3263

Appendix II

This Appendix contains the text of the PETITIONER'S SUPPLEMENTAL BRIEF filed by Sain on September 21, 2010 and refused by the Clerk on September 24, 2010, and the text of the refusal letter.

No. 10

In the Supreme Court of the United States

S.Ct. Case No. 09-1332

Mr. Charles J. Sain
Petitioner,

vs.

Carolyn Snyder, et. al.
Respondents

PETITIONER'S SUPPLEMENTAL BRIEF

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Ismail v. Cohen, 706 F.Supp. 243 ..... 3, 5, 6, 7, 8, 13

McCullock v. Maryland, 4 Wheat 316 2

Penhallow v. Doane's Administrators, 3 Dall 54 .....

United States v. Aguilar, 515 U.S. 593,

599 (1995) 11, 16
U.S. v. Will, 449 U.S. 200, 101 S.Ct. 471,
66 L.Ed.2d 392 (1980) 1
Waring v. the Mayor of Savannah,
60 Georgia at 93 1
Willy v. Coastal Corp., U.S.Tex.1992,
112 S.Ct. 1076, 503 U.S. 131,
117 L.Ed.2d 280, rehearing denied
112 S.Ct. 2001, 504 U.S. 935,
118 L.Ed.2d 596 16
Yick Yo v. Hopkins, 118 U.S. 356 2

Jurisdiction Statement

As presented in (see pp. x/xi therein) the PETITION FOR A WRIT OF CERTIORARI, ("the Petition") filed by Petitioner ("Sain") on April 14, 2010, docketed May 3, 2010) this Court has jurisdiction under U.S.Const.Art. III, Art. VI, and, 28 U.S.C. § 1254. The decisions of the 10th Circuit Court of Appeals below were entered between March 19, 2010 and April 12, 2010. Sain filed timely Motions for Reconsideration and for a Stay and Objections to the routine and meritless denials that ensued. The Petition was filed within 90 days after the issuance of the Mandates and Orders. The Court has jurisdiction pursuant to Article III, Article VI, 28 U.S.C. § 1254.

Introduction

COMES NOW Plaintiff ("Sain") and, so that the record will reflect and history will record that the judges of this Court and Enterprise operatives within the Supreme Court Clerk's Office are wilfully, intentionally, ongoingly and Treasonously failing (*Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958), Note: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.; *In re Sawyer*, 124 U.S. 200 (1888), If a judge does not fully comply with the Constitution, then his orders are void, he is without jurisdiction, and he has engaged in an act or acts of treason.; *U.S. v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980), Whenever a judge acts where he does not have jurisdiction to act, the judge is engaged in an act or acts of treason.) to comply with the MANDATES imposed upon them by the sovereigns of this Country, the People (" ..at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty.", *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 454, 1 L.Ed. 440; People are supreme, not the state. *Waring v. the Mayor of Savannah* , 60 Georgia at 93.), through the Constitution and laws set down by their elected representatives in Congress ("In the United States , Sovereignty resides in the people, who act through the organs established by the

Constitution." *Chisholm v. Georgia*, 2 Dall 419, 471; *Penhallow v. Doane's Administrators*, 3 Dall 54, 93; *McCullock v. Maryland*, 4 Wheat 316, 404, 405; *Yick Yo v. Hopkins*, 118 U.S. 356, 370), does, under S.Ct. Rule 15.8, file this SUPPLEMENTAL BRIEF regarding relevant and material new matters occurring after he filed his PETITION FOR A WRIT OF CERTIORARI ("PETITION") and Appendices thereto (filed April 14, 2010). Sain submits:

The baseless denial of Sain's renewed APPLICATION

1. As described throughout Sain's RENEWED EMERGENCY APPLICATION TO THE HONORABLE CHIEF JUSTICE JOHN ROBERTS FOR PERMANENT INJUNCTION and Errata and Appendices thereto ("APPLICATION", S.Ct. Doc. No. 10A3, filed July 20, 2010, unlawfully denied on August 16, 2010), many, many felonious and Treasonous crimes and constitutional violations have been and are being intentionally, ongoingly, conspiratorially and Treasonously perpetrated against Sain, his family, his associates and the United States by participants (see §s 37-39, pp. 38-41 for preliminary description of said participants and aiders and abetters) in an Organized Criminal Enterprise ("the Enterprise").

2. Throughout the APPLICATION as well as throughout the documents he has filed throughout the now 7 ½-year pendency of this "case" Sain has identified with specificity, proven with evidence, and supported said proofs with the Rules, Statutes, the Constitution and valid case law, said conspiratorial

criminal, Treasonous and constitutional violations.

3. Throughout the APPLICATION as well as throughout the documents he has filed throughout the now 7 ½-year pendency of this "case" Sain has identified with specificity, proven with evidence, and supported said proofs with the Rules, Statutes, the Constitution and valid case law, those conspiratorially participating in said crimes and constitutional violations.

4. Throughout the APPLICATION as well as throughout the documents he has filed throughout the now 7 ½-year pendency of this "case" Sain has identified with specificity, proven with evidence, and supported said proofs with the Rules, Statutes, the Constitution and valid case law, that said conspiratorial participants are part of an Organized Criminal Enterprise and that their acts are perpetrated in furtherance of that Enterprise.

5. As specifically described in §s 13-17, pp. 19-23, and § 47, pp. 49-51, of the Application, the said participants have not denied committing said crimes and constitutional violations, conspiracy and Treason and have admitted same. The existence of and their conspiratorial participation in "the Enterprise" also, although continually pressed by Sain, have never been denied nor any proof submitted disproving same and have been admitted (failure to deny specific allegations ... resulted in those allegations being deemed admitted., *Ismail v. Cohen*, 706 F.Supp. 243; *Consolidated Masonry & Fireproofing, Inc. v. Wagman Construction Co.*, 383 F.2d 249 (4th Cir. 1967); see also *Business Guides, Inc. v. Chromatic Communications Enterprises, Inc.*, 498 U.S. 533, 539, 111 S.Ct. 922, 927 U.S.Cal.,1991,

(Business Guides did not deny the truth of these charges, and the District Court found that petitioner's silence amounted to a "tacit admission." Id., at 404. In light of this finding, the court had no choice but to conclude: "Business Guides' entire lawsuit has no basis in fact...."), referencing *Business Guides, Inc. v. Chromatic Communications Enterprises, Inc.*, 121 F.R.D. 402, 404, N.D.Cal.,1988, stating:

> "Business Guides makes no attempt to challenge defendants' evidentiary showing. Business Guides neither admits nor denies defendants' contention that the purported seed was planted in Chromatic's directory by Business Guides. In fact, Business Guides' opposition to defendants' motion makes no mention of the Shipp declaration or the exhibits. This court can only interpret Business Guides' silence on this subject as its tacit admission that defendants were not in fact responsible for the appearance of this purported seed in the Chromatic directory. The court is left to conclude that Business Guides' entire lawsuit has no basis in fact.".).

6. Also as described in the APPLICATION (see § 5., pp. 15-16; §s 19-20, pp. 24-25; § 35, pp. 37-38; § 57.A), pp. 56-60; FNs 14 15, p. 60; § 75.A), pp. 100-101; § 76, pp. 111-119) Sain has ongoingly pressed the issue that jurisdiction never attained from the very beginning (the jurisdiction is one of the questions raised in the PETITION) thereby making all of the actions taken against Sain throughout the 7 ½-year pendency of the "case" unconstitutional and although given the opportunity and a great deal of

time to deny said lack of jurisdiction issue or provide proof disproving it, no person or entity associated with the "case has ever done so and have therefore admitted said lack (*Ismail*, *Consolidated Masonry*, *Business Guides*, supra).

7. Further, as described throughout §s 5-31, pp. 15-35, of the APPLICATION, there was no basis for Justice Sotomayor's denial of the initial filing of the APPLICATION, yet, hand-in-glove with the other described criminal, Treasonous, unconstitutional and conspiratorial acts perpetrated and being perpetrated, she simply denied the APPLICATION thereby exposing herself also as a Traitorous, conspiratorial participant in "the Enterprise". As is usual for "the Enterprise"'s participants, although given ample time and the opportunity to rebut and disprove and deny that Sotomayor's denial was not baseless, no person or entity has provided said denial of baselessness nor presented any proof rebutting or disproving Sain's proof that her act was baseless and have therefore admitted said baselessness (*Ismail*, *Consolidated Masonry*, *Business Guides*, supra).

8. Throughout the APPLICATION as well as throughout the documents he has filed throughout the now 7 ½-year pendency of this "case" Sain has properly and lawfully sought relief against said participants and proven with the Rules, Statutes, the Constitution and valid case law, that he is entitled to said relief. As is usual for "the Enterprise"'s participants, although given ample time and the opportunity to rebut and disprove and deny that Sain is not so entitled, no person or entity has provided said denial of entitlement nor

presented any proof rebutting or disproving Sain's proof that he should not be granted said relief and have therefore admitted that Sain should be granted said relief (*Ismail*, *Consolidated Masonry*, *Business Guides*, supra).

9. In all instances, the judiciary, from the New Mexico State "Courts" through the federal "Courts" all the way up to the instant "Court", have consciously avoided and ignored all said proofs and support and have presented no proof disproving or rebutting Sain's proof. Despite said lack of disproving or rebuttal proof "order" after "order" by judge after judge has been issued treasonously (*Cooper*, supra) denying redress to Sain thereby unlawfully denying him the relief he is lawfully and constitutionally entitled to (see APPLICATION throughout) thereby wilfully and intentionally damaging him over and over and over again by denying his Rights to Due Process and the Equal Protection of the laws under U.S.Const.Amend IX and destroying his life, family, good name and reputation.

10. As described throughout the APPLICATION and the documents filed throughout the now 7 ½-year pendency of this "case" said unlawful denials have resulted in the unlawful protection for and the aiding and abetting of said participants in their crimes and constitutional violations and that all such aiders and abettors have revealed themselves as "Enterprise" participants by their unlawful, unconstitutional, Treasonous, felonious and conspiratorial actions supportive of "the Enterprise" and the unlawful, unconstitutional, Treasonous, felonious and conspiratorial actions of its

participants and are therefore liable for all of the described crimes and constitutional violations. As is usual for "the Enterprise"'s participants, although given ample time and the opportunity to rebut and disprove and deny said liability, no person or entity has provided said denial of liability nor presented any proof rebutting or disproving Sain's proof of that liability and have therefore admitted said liability (*Ismail*, *Consolidated Masonry*, *Business Guides*, supra).

11. As described throughout the APPLICATION and the documents filed throughout the now 7 ½-year pendency of this "case" said unlawful denials have also resulted in the unlawful retaliation against Sain including unlawful arrests, unlawful restraint, the enslavement of Sain to "the Enterprise" for the rest of his life, unlawful sanctions being imposed on and extorted from him and the theft of case filing fees. As also described throughout the APPLICATION said retaliation includes the unlawful utilization of ARMED GOVERNMENT TROOPS by "Enterprise" operatives at the 10th Circuit Court of Appeals to, based on false and fabricated allegations against Sain, harass and terrorize him and his family and associates and to seek to falsely arrest him (disappear him) and the equally sinister use of ARMED GOVERNMENT TROOPS to harass, terrorize and falsely arrest him each and every time he enters the Bernalillo County Courthouse and to do so for the rest of his life and the implementation of an harassment and terrorization surveillance operation (see Appendix I for additional proof of the ongoing operation) that includes unlawful wiretaps.

Said retaliatory actions have and are ongoingly endangering Sain's life and subjecting him to severe emotional trauma around the clock and wherever he goes so that he feels that he could be disappeared or killed by "the Enterprise" at any moment.

12. And as described throughout the APPLICATION because of the felonious and Treasonous acts being wilfully and intentionally perpetrated against Sain and against the United States by actors in all three branches of its government the State of New Mexico has ceased to operate under the mandate issued to it by the People through Congress and the Executive Branch of the Federal Government in terms of it complying with the Constitution and laws of the United States and has therefore unilaterally terminated the statehood contract between it and the Federation thereby wilfully and intentionally surrendering lawful state status. As is usual for "the Enterprise"'s participants, although given ample time and the opportunity to rebut and disprove and deny New Mexico's loss of statehood, no person or entity has provided said denial of said loss nor presented any proof rebutting or disproving Sain's proof of said loss of statehood and have therefore admitted said loss (*Ismail*, *Consolidated Masonry*, *Business Guides*, supra).

13. All such unconstitutional, criminal and oppressive actions perpetrated and being perpetrated against Sain and the United States are akin to the corrupt pre-revolution British Monarchy, the Democrat political party's post civil-war Ku Klux Klan and Hitler's Fascist Nazi Party (see § 69, pp. 93-96 and § 76.(A), pp. 115-117 of the

APPLICATION) as well as such more recent but no less infamous actions as Wounded Knee, Kent State, Ruby Ridge and Waco which all resulted from government actors' disregard of the Constitution and laws of the United States and the horrific and unjustified deaths of members of its citizenry at the hands of said actors. The record is clear and absolutely undeniable, the actions taken against Sain and the United States by "the Enterprise"'s participants described therein are unconstitutional and otherwise unlawful, have never been denied or proven constitutional or lawful and have been admitted, Sain's fears are wholly justified and very, very real (as are the damages that have been are being and will continue to be inflicted on him for the rest of his life at the hands of said participants) and, as is clear and plain because of their baseless denial of the APPLICATION, were wholly ignored and consciously avoided by the judges of this Court, just as they have been by all the other judges at all other levels of State and Federal Courts this "case" has wound through, in complete and utter disregard of their Constitutionally mandated oaths (see U.S.Const. Art. VI) and Sain's Rights and in clear and plain support of and intent to conspiratorially aid and abet "the Enterprise" and its participants' unconstitutional and unlawful acts.

14. As the record proves, despite having Notice and an abundance of time in which to respond none of "the Enterprise"s participants has filed any response to either the APPLICATION or the renewed APPLICATION (see p. 92 of the APPLICATION, § 16, p. 21 of the renewed "APPLICATION, and p. 121 of the renewed

"APPLICATION) nor they have made any attempt to challenge, admit or deny being informed of or agreeing to the granting of those documents and the relief requested therein.

15. As the record proves, Sain has shown that many, many, many unconstitutional and otherwise unlawful acts have been and are bing perpetrated against him and the United States.

16. As the record proves, Sain has shown that none of those acts has been denied and all have been admitted.

17. As the record proves, by filing the initial APPLICATION with Justice Sotomayor Sain properly and lawfully, under this Court's Appellate jurisdiction and the S.Ct. Rules, sought to halt said ongoing acts by permanent injunction.

18. As the record proves, Sain has shown that Justice Sotomayor's denial of said APPLICATION had no basis and, along with the Court's Clerk's office's staff, was hand in glove with and aided and abetted the unlawful acts of "the Enterprise"'s participants.

19. As the record proves, by renewing the APPLICATION to Chief Justice Roberts, Sain properly and lawfully, under this Court's Appellate jurisdiction and the S.Ct. Rules, sought to have Justice Sotomayor's denial thrown out, the relief he requested granted, and she and this Court's Clerk's office's staff be held accountable under the law for said aiding and abetting.

20. As the record proves, the renewed APPLICATION was not ruled on by the Chief Justice but instead was distributed to the Court for consideration.

21. As the record proves and as described above, on August 16, 2010, the judges of this Court, in an act that was hand-in-glove with Justice Sotomayor's baseless denial, denied the renewed APPLICATION without any proof supporting said denial and in direct opposition to the evidence and proofs submitted by Sain supporting the granting and validity of the APPLICATION. Said act was a wilful violation of Sain's Due Process and Equal Protection Rights under U.S.Const.Amend. IX and a clear violation of 18 U.S.C. 1503 in that it obstructed the due administration of justice regarding the issues raised in the APPLICATION (In order to "corruptly endeavor" to obstruct the due administration of justice, "[t]he action taken by the accused must be with an intent to influence judicial or grand jury proceedings. . . .Some courts have phrased this showing as a nexus requirement – that the act must have a relationship in time, causation, or logic with the judicial proceedings. In other words, the endeavor must have the natural and probable effect of interfering with the due administration of justice.", *United States v. Aguilar*, 515 U.S. 593, 599 (1995)). And because said judges abused their paid Federal positions of power and trust aid and abet said violations against Sain and the United States they also violated 18 U.S.C. 241 (If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same . . . They shall be fined under this title or

imprisoned not more than ten years, or both) and 18 U.S.C. 371 (If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.)

The unlawful refusal to file Sain's Motion for Entry of Default Judgement

22. Because the record proves that the respondents have filed no document with this Court they do "not qualify for any relief from this Court" (see S.Ct. Rule 12.6). Said relief would include denial of the two referenced pleadings and the relief requested therein as well as Sain's PETITION FOR A WRIT OF CERTIORARI (filed April 14, 2010, Response was due June 2, 2010).

23. Because of said lack of any response to the referenced APPLICATION, renewed APPLICATION and PETITION and because it was a motion the granting of which "would dispose of the entire case or would affect the final judgment to be entered" (see S.Ct. Rule 21.2.(b)) Sain, under S.Ct. Rules 12.6, 15.2, 15.3, 15.5 and 21.2.(b) filed an EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF (filed August 9, 2010) seeking that this Court "immediately enter a judgement of default against the respondents and for other relief as described" (see p. 1 of the Motion, Appendix II) and that "said

actions be taken within 72 hours of this Court's receipt of this motion" (see p. 4 of the Motion, Appendix II).

24. In addition to their failure to file anything, within the motion (see § 7, pp. 3-4 of the motion, Appendix II) Sain, just as he did below and within the two applications (see e.g. § 41-45, pp. 41-49 of the APPLICATION), continued to press the bad faith of the Defendants. As is routine for "the Enterprise"'s participants, although given ample time and the opportunity to rebut and disprove and deny said liability, no person or entity has provided said denial of bad faith nor presented any proof rebutting or disproving Sain's proof of that bad faith and have therefore admitted said bad faith (*Ismail Consolidated Masonry, Business Guides*, supra). As a supporting authority Sain relied upon this Court's ruling in *Root Ref. Co. v. Universal Oil Prods. Co.* (C.C.A.3d, 1948, 169 F.2d 514, 534–535, certiorari denied 69 S.Ct. 481, 335 U.S. 912, 93 L.Ed. 444, affirming) reaffirming the principle that a litigant. with unclean hands "must be denied all relief whatever the merits of his claim"

25. On August 13, 2010, Sain received a U.S. Postal Mail letter correspondence from this Court's Clerk's Office stating:

Dear Mr. Sain,
The papers pertaining to the above-entitled case received August 11, 2010 are herewith returned. The Rules of this Court make no provision for filing a motion for entry of default judgement. If you are seeking to file a supplemental brief, you must comply with the filing requirements of Rule 15.8.

Sincerely,
William K. Suter, Clerk
By:
Jeffrey Atkins
(202) 479-3263

No reference to any rule other than 15.8 was referred to or relied upon in the said letter in regards to Sain's compliance with all of the S.Ct. rules regarding the filing of motions so it must be conclusively presumed that he did comply with all such rules.

26. From local small-claims and traffic Court all the way up through the Federal District Court it is standard practice that if a party does not show up to Court after being Noticed he loses. The participants in "the Enterprise" (which include all of the respondents) have failed to file any document in this "case" and therefore, by S.Ct. Rule can receive no relief and said relief includes the denial of the relief Sain seeks. They lose and Sain has won. Neither have they denied, challenged or disproved any of the averments and proof that Sain has presented against them and have therefore admitted everything and authorized this Court to grant all of the relief Sain seeks. Again, they lose and Sain has won. And their unclean hands also prevents them from being granted any relief and said relief includes the denial of the relief Sain seeks. And yet again, they lose and Sain has won. All of those are in addition to the fact that Sain has won because jurisdiction never attained from the beginning of the "case" 7 ½ years ago. Just as throughout the pendency of this "case" Sain continues to win his

case on multiple, valid and well-supported grounds and there continues to be no reason in the record for him not to win but "the Enterprise" continues to rule against and otherwise block him from winning thereby violating not only his Due Process and Equal Protection Rights under U.S.Const.Amend. IX but 18 U.S.C. 1503 and 18 U.S.C. 241 in regards to obstructing the due administration of justice regarding all matters favorable to Sain and violating his Rights, and, because they abused their paid Federal positions of power and trust to perpetrate their violations, 18 U.S.C. 371.

27. Because the said motion was a motion the granting of which "would dispose of the entire case or would affect the final judgment to be entered" by the immediately halting of much of the ongoing criminal and constitutional violations being perpetrated against him and described throughout the PETITION and APPLICATION, and because the same type of motion is authorized as a regular practice throughout the lower State and Federal Courts, and because Rule 21.2.(b) does not, nor does any other S.Ct. Rule, specifically exclude the filing and granting of a motion of the type that Sain submitted, and because Rule 21.2.(b) refers to only "a motion" without restriction on the type but only as to if it "would dispose of the entire case or would affect the final judgment to be entered" which in this instance the motion does because it halts much of the unconstitutional and otherwise unlawful acts Sain seeks relief from in his PETITION and APPLICATION, and because he has clearly and undeniably won his case on multiple grounds delineated in the motion, the APPLICATION and

the PETITION which provides clear support for the motion's granting, the refusal by the operatives within the Supreme Court Clerk's Office to allow the filing of said motion on the basis that they did violated 18 U.S.C. 1503 (*Aguilar*, supra) in that it unlawfully obstructed the due administration of justice regarding the issues raised and the relief Sain sought in the motion and violated the Rules Enabling Act , 28 U.S.C.A. § 2072, (stating in pertinent part: (a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals. (b) Such rules shall not abridge, enlarge or modify any substantive right.) in that the refusal to file the motion on the given grounds restricts the filing of motions to an undefined set of parameters set by a cabal of Enterprise operatives in the Clerk's Office leaving a litigant and his Due Process and Equal protection Rights swinging in the wind and utterly at the mercy of the whimsey and fancy of said operatives. Such undefined restrictions not only defeat the "general rules" principle of the statute (In adopting rules, federal courts are not free to extend or restrict jurisdiction conferred by statute. *Willy v. Coastal Corp.*, U.S.Tex.1992, 112 S.Ct. 1076, 503 U.S. 131, 117 L.Ed.2d 280, rehearing denied 112 S.Ct. 2001, 504 U.S. 935, 118 L.Ed.2d 596) but leaves the door wide open for all sorts of mischief to be perpetrated by the said operatives.

28. In this case the mischief perpetrated is the perpetuation of the unlawful protection from liability of "the Enterprise" and its participants at

the expense of Sain's Due Process and Equal Protection Rights under U.S.Const.Amend. IX. In effect, the said operatives have stated "Mr. Sain, you may file any motion you want to under the rules except for one that causes you to win your case against "the Enterprise" and its participants. We will not allow that regardless of what the Constitution and laws of the United States command."

29. As described above, the refusal of Enterprise operatives within the Supreme Court Clerk's Office violates Sain's Rights, Federal laws and S.Ct. Rules.

Summary

30. As the record proves and as described above, the judges of the Supreme Court and persons within the Supreme Court Clerk's Office have abused their positions of power and public trust by denying his renewed APPLICATION and refusing to file his Motion for Entry of Default Judgement. In so doing they have violated Sain's Rights and Federal law. Said acts are hand-in-glove with and further the ongoing constitutional and criminal violations perpetrated by "the Enterprise"'s participants that are described within the referenced PETITION and renewed APPLICATION as well as aid and abet said participants in said crimes and constitutional violations against Sain and the United States. Although the record proves that Sain has won his case on multiple grounds and there is no reason for the referenced motion, renewed APPLICATION and PETITION and the relief Sain seeks therein to be to be denied, the violations described herein, occurring

as they have after the said PETITION was filed and during the pendency of the "case" should be considered as further proof supportive of the granting of said documents and the relief sought therein and evidence that those responsible for said new violations acted intentionally and should be held accountable for said violations.

Respectfully submitted,

Mr., Charles J. Sain

Certificate of Rule 33.1 Compliance

The Movant, Sain, does affirm that the above EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF complies with the word count limitations of S.Ct. Rule 33.1 in that its word count is ~~1048~~ 4014 words.

Signed

Charles J. Sain

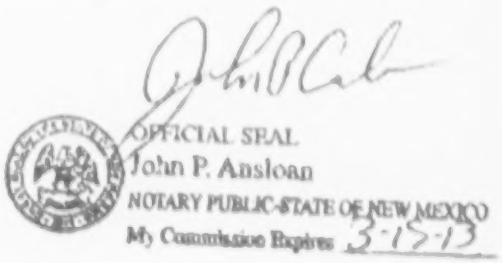
Subscribed and sworn to me this 21st day of September, 2010, by Charles J. Sain.

My commission expires on 3-15-13

Notary Public John P Ansloan



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Appendix I

The Surveillance/Terrorization Operation against Mr. Sain is ongoing

Wednesday, July 22, 2010 - 2:00pm

I came out of the house and as I was walking to my vehicle I noticed an expensive-and-new-looking, late-model, burgundy, four-door vehicle with lightly-tinted windows headed west-bound on Mesa Arriba which fronts the cul-de-sac where I live. The vehicle slowed down and stopped in the middle of the street as I watched. I proceeded to finish walking to my vehicle but the burgundy vehicle remained stopped. I entered my vehicle and watched the burgundy vehicle out my back window. It just sat there for about another 15-seconds and I got the impression whoever was in the vehicle was watching me and waiting for me to pull out and drive away.

Since I didn't move the vehicle finally, slowly continued down Mesa Arriba. When I finally drove to the corner so that I could see down Mesa Arriba I noticed that the vehicle had stopped down the street at the intersection of Mesa Arriba and south-bound Pitt. I drove down the street towards the vehicle to get the licence plate number (NM# KYJ341) and when I drove by there was a male inside talking on the phone. Because of the ongoing surveillance operation being perpetrated against me and his abnormal activities I got the distinct impression that he was making a report to someone about me. To get a better look at him I drove 3-4 houses down and turned my vehicle around. As I was starting to head back toward the man's vehicle it turned left and headed

south on Pitt at a quickening rate of speed. I turned on Pitt to follow him. I had a hard time keeping up with him..

When he got down to end of the street at Candelaria he stopped at the stop sign and I finally caught up with him. Even though he used no turn signal, he quickly turned right onto Candelaria and got in the left-hand lane. As traffic allowed, I managed to also turn right and also got in the left-hand lane well-behind him. Again with no turn signal, the man turned sharply to the left across two lanes of oncoming traffic into a business parking lot and then turned to the right heading down the front of the building. When I got up to where he had turned I also turned left into the parking lot but by the time I entered he was already at the right-hand end of the front of the building and as he got toward the end of the building he began to turn left between it and another building.

Rather than follow him around the front of the building I continued straight on the left side of the building and headed towards the back of the building so I could see where he was headed (because there are numerous buildings and storage units back there and because of my familiarity with the area I knew that I could observe where he went from the left-rear of the building). As I was turning right along the back side of the building the man came tearing around the other side of the building at a fast speed and turned towards me. I got the impression that he had thought that I would follow him around the front and he was trying to evade me by quickly going around the building so that by the time I got back there he would have gotten back to the front of the building and turned back onto the street and lost me. I wouldn't have known which way he had gone.

When he saw me he was headed right for me and had to swerve to avoid hitting me. When he and I drove past each

other I noticed that the driver was a large, burly-looking Hispanic-looking male with dark hair and a goatee and that I did not recognize him. He looked at me with a sort-of surprised, thuggish glare as if he were mad at me because I had caught him spying on me which made me feel as if I had better get out of there so I drove out of the area by a different route between other buildings.

The whole thing was kind of surreal and reminded me of a chase scene on a TV cop show where when someone is caught doing something they shouldn't be they end up in a high-speed chase to try to lose whomever spotted them by speeding away on city streets and then twisting and turning between buildings.

Tuesday, August 24, 2010 - 11:15am

As I was exiting the front doors of a local Walmart and began walking across the parking lot to my vehicle I spotted a white male (white shirt, dark pants and shoes, dark hair, dark ball-cap) recording me with a digital video camera. He did not appear to even care that I had seen him and in fact he appeared to be going out of his way to make sure that I did as he was standing about 40-50 feet from me out in the open away from any vehicles. He continued to record me all the way to my vehicle and as I drove away. Even though I have spotted other unidentified and unfamiliar persons taking my picture this was the first time I have spotted someone recording me with a video camera. The whole incident was very scary.

AFFIDAVIT

I, the undersigned to do attest and affirm to the best of my ability that the above description of the ongoing Surveillance/Terrorization Operation against Sain is true.

Signed _____

Charles J. Sain
10018 Inca Ct. N.E.
Albuquerque, NM 87111
(505) 298-1007

Subscribed and sworn to me this 21st day of September, 2010, by Charles J. Sain .

My commission expires on 3-15-13

Notary Public _____

OFFICIAL SEAL
John P. Ansloan
NOTARY PUBLIC-STATE OF NEW MEXICO
My Commission Expires 3-15-13

Appendix II

The following is a copy of the text of the EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF referenced above:

No. 10

In the Supreme Court of the United States

S.Ct. Case No. 09-1332

Mr. Charles J. Sain
Petitioner,
vs.

Carolyn Snyder, et. al.
Respondents

EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF

Mr., Charles J. Sain
10018 Inca Ct. N.E.
Albuquerque, NM 87111
(505) 298-1007

Mr., Charles J. Sain
Petitioner, Pro Se

Comes now Petitioner ("Sain") and under S.Ct. Rule 21.2.(b) does move this Court to immediately enter a judgement of default against the respondents and for other relief as described below. As good grounds for this Motion Sain submits:

1) Sain has filed three pleadings with this Court (PETITION FOR A WRIT OF CERTIORARI ("PETITION") (filed April 14, 2010, Response due June 2, 2010), EMERGENCY APPLICATION TO THE HONORABLE JUSTICE SONYA SOTOMAYOR FOR PERMANENT INJUNCTION ("APPLICATION") (S.Ct. Doc. No. 10A3, filed June 10, 2010, denied June 30, 2010) which was followed by his timely submission of an ERRATA SHEET and a SUPPLEMENTAL ERRATA SHEET thereto on June 8, 2010, and June 9, 2010, respectively and, RENEWED EMERGENCY APPLICATION TO THE HONORABLE CHIEF JUSTICE JOHN ROBERTS FOR PERMANENT INJUNCTION ("RENEWED "APPLICATION") (S.Ct. Doc. No. 10A3, filed July 20, 2010) and has complied with the rules of this Court regarding providing Notice and Service of said filings to all of the listed respondents and as

described in said pleadings this Court has jurisdiction.

2) Despite having Notice and an abundance of time in which to respond none of "the Enterprise"s participants (which include the respondents, see End Note 1, p. 30, of the PETITION for a description of "the Enterprise"'s participants)) has filed any response to any of those documents.

3) The said respondents are well aware that Sain has three times informed this Court that they have failed to respond and have agreed to everything in the PETITION, the APPLICATION and the RENEWED APPLICATION (see p. 92 of the APPLICATION, § 16, p. 21 of the RENEWED "APPLICATION, and p. 121 of the RENEWED "APPLICATION) yet still they have made no attempt to challenge, admit or deny being informed or agreeing to said granting of the referenced documents and the relief requested therein.

4) Although not mandatory (see S.Ct. Rule 15.1) the respondents have not timely (within 30 days, see S.Ct. Rule 15.3, no waiver filed, S.Ct. Rule 15.5) filed a response to Sain's Brief and have therefore not only failed to present any arguments for denying the petition (see S.Ct. Rule 15.2) and the relief requested therein but, despite the fact that if all of the legal training and experience of "the Enterprise"'s participants (all of the lawyers, law firms and judges, whether they be defendants in this "case", those representing them or those presiding over the instant (i.e. Justice Sotomayor) and lower cases from which it arises) were to be totaled together it would undoubtedly total several hundred years on which to draw to identify such a

misstatement (paraphrased from that which Sain stated in § 2.(E) of his REPLY BRIEF (10th Cir. Doc. No. 01018344509), have assured this court that they have not perceived any misstatement of fact or law (including their lack/loss of jurisdiction, see e.g. Question I and pp. 4-8 and End Note 5, pp. 34-36 of the PETITION) in the PETITION as is their obligation to the Court (see S.Ct. Rule 15.2). Under those circumstances it must be conclusively presumed that there are no such misstatements and the record of the case on which the PETITION relies heavily supports such a presumption.

5) Because the respondents have filed no document with this Court they do "not qualify for any relief from this Court" (see S.Ct. Rule 12.6). Said relief would include denial of the three referenced pleadings and the relief requested therein.

6) Rule 12.6 corresponds to Fed.R.Civ.P. Rule 55 regarding defaults and under which Rule all of the defendants but Snyder, Stoops and BCSD defaulted by failing to respond to Sain's Complaint (just two of twenty-four consciously avoided and ignored issues described in End Note 5, pp. 34-36 of the PETITION; See also § 22.(G), pp. 35-37 of the APPLICATION and § 57.(G), pp. 64-66 of the RENEWED "APPLICATION) which should have resulted in Sain winning his case against them but he was unlawfully denied that win.

7) Additionally, this Court has affirmed the doctrine of unclean hands ("No principle is better settled than the maxim that he who comes into equity must come with clean hands and keep them clean throughout the course of the litigation, and that if he violates this rule, he must be denied all

relief whatever the merits of his claim."*Root Ref. Co. v. Universal Oil Prods. Co.*, C.C.A.3d, 1948, 169 F.2d 514, 534-535, certiorari denied 69 S.Ct. 481, 335 U.S. 912, 93 L.Ed. 444, affirming). As described throughout the three referenced pleadings the record and the evidence proves that "the Enterprise"'s participants have over and over violated Sain's Rights and the law throughout the seven-year-plus pendency of this "case", have never denied doing so and have presented no proof that they did not but have consciously avoided and ignored all matters, evidence and proof presented by Sain (see the three referenced pleadings throughout) in violation of his Due Process and Equal Protection Rights all of which mean that Sain should have won and should now win his case against them because of their unclean hands and lack of proof otherwise.

8) By pursuing their routine of consciously avoiding and ignoring and failing to admit, deny, challenge or disprove any of the averments and proof that Sain has presented against them including their unclean hands "the Enterprise"'s participants have admitted same (see *Business Guides*, 111 S.Ct. 922; *Ismail v. Cohen*, 706 F.Supp. 243) and have no right to any relief from this Court so, with an eye toward judicial economy and conservation of judicial resources, Sain does hereby move for the entry of a judgement of default against the defendants and that the three referenced pleadings be immediately granted including all of the relief he has requested therein and, because Sain's life and liberty are in constant danger (see the RENEWED APPLICATION throughout) he requests that said actions be taken within 72 hours of this Court's receipt of this motion.

Respectfully submitted,

Mr., Charles J. Sain

Certificate of Rule 33.1 Compliance

The Movant, Sain, does affirm that the above EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF complies with the word count limitations of S.Ct. Rule 33.1 in that its word count is 1048 words.

Signed _____
Charles J. Sain

Subscribed and sworn to me this 9th day of August, 2010, by Charles J. Sain.

My commission expires on _____

Notary Public _____

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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

September 24, 2010

Charles J. Sain
10018 Inca Ct. N.E.
Albuquerque, NM 87111

RE: Sain v. Snyder, et al.
No: 09-1332

Dear Mr. Sain:

The supplemental brief in the above-entitled case was received September 24, 2010, and is herewith returned because the supplemental brief exceeds the 3000 word count and the tan color cover for a supplemental brief set out in Rule 33.1(g)(iv).

Sincerely,
William K. Suter, Clerk
By:

Donald Baker
(202) 479-3035

Appendix III

This Appendix contains the text of the PETITIONER'S SECOND SUPPLEMENTAL BRIEF filed by Sain on September 23, 2010, and refused by the Clerk on September 30, 2010, and the text of the refusal letter.

No. 10

In the Supreme Court of the United States

S.Ct. Case No. 09-1332

Mr. Charles J. Sain
Petitioner,

vs.

Carolyn Snyder, et. al.
Respondents

PETITIONER'S SECOND SUPPLEMENTAL BRIEF

Mr., Charles J. Sain
10018 Inca Ct. N.E.
Albuquerque, NM 87111
(505) 298-1007

Mr., Charles J. Sain
Petitioner, Pro Se

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Jurisdiction Statement

As presented in (see pp. x/xi therein) the PETITION FOR A WRIT OF CERTIORARI, ("the Petition") filed by Petitioner ("Sain") on April 14, 2010, docketed May 3, 2010) this Court has jurisdiction under U.S.Const.Art. III, Art. VI, and, 28 U.S.C. § 1254. The decisions of the 10th Circuit Court of Appeals below were entered between March 19, 2010 and April 12, 2010. Sain filed timely Motions for Reconsideration and for a Stay and Objections to the routine and meritless denials that ensued. The Petition was filed within 90 days after the issuance of the Mandates and Orders. The Court has jurisdiction pursuant to Article III, Article VI, 28 U.S.C. § 1254.

Supplemental Brief

COMES NOW Plaintiff ("Sain") and, under S.Ct. Rule 15.8, file this SECOND SUPPLEMENTAL BRIEF regarding relevant and material new matters occurring after he filed his PETITION FOR A WRIT OF CERTIORARI ("PETITION") and Appendices thereto (filed April 14, 2010). Sain submits:

1. Sain filed said PETITION on April 14, 2010, (Response was due June 2, 2010) and on September 21, 2010, while the said PETITION was still pending he filed a SUPPLEMENTAL BRIEF pursuant to S.Ct. Rule 15.8.
2. The instant SECOND SUPPLEMENTAL BRIEF relates to other relevant and material new matters occurring after he filed his PETITION but not covered within the SUPPLEMENTAL BRIEF. As of the mailing date of the instant pleading the said PETITION is still pending.
3. As described throughout the said SUPPLEMENTAL BRIEF, the actions taken by the judges of this Court as well as personnel within its Clerks' Offices in denying Sain's EMERGENCY APPLICATION (S.Ct. Doc. No. 10A3), and renewed EMERGENCY APPLICATION and failure to file his EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT (10A3) had no lawful bases and violated Sain's Rights and Federal laws.
4. As described throughout the said SUPPLEMENTAL BRIEF said actions were hand-in-glove with and aided and abetted the unconstitutional and otherwise unlawful actions of "the Enterprise" participants including unlawfully

protecting them against being held liable for said actions. Said denials and refusal were taken in direct and wilful opposition to the evidence, rules, laws and the Constitution recorded in the record and also taken in direct opposition to the fact that Sain has won this "case" on multiple grounds which should have resulted in all of the said documents and the relief Sain requested therein being immediately and fully granted.

5. As described in the said PETITION (see End Notes 3 and 6 therein) and throughout the said APPLICATIONS (see e.g. § 76., pp. 111-119, esp. § (2)(A), pp. 115-117) the Democrat Political Party ("DPP") is the major antagonist, "the Enterprise" and its participants, in this "case" and its operatives are responsible for the unlawful and unconstitutional actions that have been perpetrated against Sain and the United States throughout the 7 ½-year pendency of this "case" and the intent of those operatives' actions is to protect and perpetuate the "the Enterprise"'s organized criminal empire.

6. Some of the more recent and blatant unlawfully protective acts are:

A. DPP appointee Chief Magistrate Judge Garcia utilized lies, deceit and fraud to unlawfully strike Sain's D.N.M. Doc. 97 (which alleged unlawful money transfers from the New Mexico State treasury to a law firm, the law firm representing the State of New Mexico in this "case" (Roble, Rael, and Anaya), headed by the head of the New Mexico Democrat Party) and although Sain pressed the unlawful striking matter and sought that the Doc. be un-struck and granted, and sought damages against and the removal from the "case" and office of Garcia

(see § 45, pp. 46-47, and § 73, pp. 99-100 of the renewed APPLICATION) DPP operative Judge Brack concocted the act immunity scam to prevent that from happening (see pp. 12 and 17 of the PETITION and § 45, p. 47, § 47, pp. 50-51, § 57.(A), p. 59, § 57.(H), p. 67-68 and § 73, pp. 99-100 of the renewed APPLICATION) and DPP operatives within the 10th Circuit Appellate Court upheld said scam all of which prevented Sain from winning the "case". By denying the renewed APPLICATION the judges of this Court have unlawfully upheld the scam and protected the DPP.

B. Defendant Whitefield, a DPP-appointed judge was paid-off by defendant Chappelle for her prior unlawful protection of Chappelle and Defendant Snyder (both DPP affiliated) from being held for fraud which prevented Sain from immediately winning the "case" (see End Note 4 of the PETITION and § 47, p. 50 of the renewed APPLICATION). By denying the renewed APPLICATION the judges of this Court have unlawfully upheld the fraud and payoff and protected the DPP.

C. Although defendants Snyder, Chappelle, Romero, Ruiz, and Herrera (all Democrats) all acted to cover up (see § 5, pp. 15-16, § 57.(E), pp. 63, and § 76, p. 115 of the renewed APPLICATION) the evidence that Sain was unlawfully restrained (and all the judges (defendants or not) of the New Mexico and Federal Courts associated with this "case" (virtually all appointed by the DPP) supported said acts by ruling against Sain when he sought redress against the said restraint and cover-up) and Sain continues to press the issue, the judges of this Court (a majority appionted by the DPP), by denying the

said APPLICATION, supported said unlawful acts and protected the DPP from liability.

C. Defendant Richardson and DPP operatives within the New Mexico State legislature have placed Sain's and all U.S. citizen's lives and welfare in jeopardy and have violated multiple Federal immigration laws (see End Notes 3 and 6 of the PETITION, and § 66-70 pp. 92-97, FNs 26-27, pp. 108-109, § 75. N)-O), pp. 108-110, of the renewed APPLICATION) by passing NMSA 2003, 66-5-9.B. which allows the issuance of driver's licenses to illegal aliens. As reported on the front page of its August 14, 2010, morning edition The Albuquerque Journal reported that more than 50,000 licenses had been issued to illegal aliens (and that since Arizona began cracking down on illegals more are headed to New Mexico for the licenses) and on the front page of its July 30, 2010 morning edition reported illegal aliens from Poland were coming to New Mexico to obtain the unlawful licenses. In their political ads for the upcoming mid-term elections Republican Political Party hopefuls are now using the 50,000 number against DPP operatives also seeking office. By denying the renewed APPLICATION the judges of this Court have unlawfully upheld the immigration violations (50,000 X 4 (number of Federal laws violated per license) = 200,000 violations), threatened the safety and welfare of Sain and all other lawful U.S. citizens and unlawfully protected the DPP from liability for their hundreds of thousands of criminal violations regarding illegal immigration.

D. The DPP (Defendants Duran, Whitaker,

Lang, Salcedo, Madrid, King, Richardson, Bossen, Daniels, Maes, Chavez, Serna, Pickard, Alarid, Bustamonte, Vigil, Wechsler, Kennedy) has not only ongoingly prevented Sain for years from discovering the reason for the utilization of ARMED GOVERNMENT TROOPS against him for the rest of his life (see pp. 25-30 and END NOTE 2 of the PETION and § 5 of the renewed APPLICATION) and said secrecy has been unlawfully and unconstitutionally upheld by the DPP through all levels of State and Federal Courts (Federal judges Garcia, Browning, Brack, the Tenth Circuit Court of Appeals and the judges of this Court) but, as in the Doc. 97 matter referenced above, is also in the secrecy business about its expenditures of money and to keep their operations from coming to light are ongoingly violating both State Inspection of Public Records and Federal Freedom of Information "FOIA") laws:

(1) After, just as Sain had tried to do regarding the TROOPS matter, ongoingly seeking public information about Defendant Richardson's expenditure of millions of dollars in taxpayer monies to no avail, the Albuquerque Journal, on June 3, 2010, file a lawsuit against, amongst others, the office of the Governor (Richardson) seeking said information (see N.M.2.D. case No. CV 2010-06756).

(2) The DPP has denied Sain's friend, Mr. Ysais, discovery and inspection regarding the monies being funneled to the same law firm handling the "case" against him (the same law firm handling the "case" against Sain, see above) and because of that refusal, and because the same law firm is assigned to he and Sain, Ysais has ongoingly sought to obtain

said information about the expenditures for both his and Sain's "cases" (estimated to be well in excess of $10 million) similarly to how the Journal is now trying as well as under Federal FOIA laws (see S.Ct. Case Nos. 09-10025 [APPLICATION FOR INJUNCTION], 09-10305 [APPLICATION FOR INJUNCTION], 09-10544 [APPLICATION FOR INJUNCTION and renewed APPLICATION] and 09-11225 [PETITION, APPLICATION FOR INJUNCTION and renewed APPLICATION]). Ysais even hired a private investigator, Maurice L. Moya, to try to obtain the information. But despite the repeated written requests they have filed over a period of four months (the thirty days allowed for a response, and multiple fifteen-days extensions have repeatedly come and gone) and the ongoing efforts by the private investigator they have encountered nothing but delay after delay. The DPP is stonewalling Ysais and Moya, just as they are the Journal and just as they continue to do to Sain.

7. Based on all of the above and the 7 ½-year record of this "case", it doesn't take a rocket scientist to figure out that the DPP and its participants in the Organized Criminal Enterprise Sain has ongoingly described and proven to exist is routinely acting criminally and unconstitutionally and protecting its own. And now, at this time when mid-term elections are being held in New Mexico and nation-wide (see U.S.Const. Art.I, Sec. 2), and because the DPP appears poised to be dealt massive, nation-wide defeats by an angry electorate (including their rage over the illegal immigration issue which Sain has pressed), and because the granting of Sain's renewed APPLICATION, MOTION and PETITION would

deal a massive and deadly blow to the DPP especially in New Mexico where it has ruled on high with a corrupt iron fist for decades, and because Sain has won his case on multiple grounds but continues to be denied that victory by "the Enterprise", it doesn't take a rocket scientist to figure out that the evidence indicates that said ongoing denials at this critical time is nothing but a series of acts by DPP operatives to effect the outcome of the said elections by not allowing the natural results of Sain's winning of his case to occur. It is illogical that the electorate would elect or re-elect members of the DPP after they have been ruled as being corrupt as would be the result if Sain were allowed to win this "case" as the record over-and-over proves that he should. Such actions to prevent Sain from winning in order to effect an election violate Sain's Due Process and Equal Protection Rights under U.S.Const.Amend. IX and those abusing their paid Federal positions of power and trust are perpetrating a fraud on Sain, the American People and the United States.

8. The massive, ongoing cover-ups, denials and failure to file at this critical time are, by the evidence, a clear attempt by DPP operatives to swing the mid-term elections in favor of the DPP. Such acts violate the free election mandate of U.S.Const.Art. I, Sec. 2. and those responsible should all be held accountable under the Constitution and laws of the United States and such unlawful acts are yet further proof that Sain's PETITION and the relief he request there in should be immediately and fully granted.

Respectfully submitted,

Mr., Charles J. Sain

Certificate of Rule 33.1 Compliance

The Movant, Sain, does affirm that the above EMERGENCY MOTION FOR ENTRY OF DEFAULT JUDGEMENT AND FOR OTHER RELIEF complies with the word count limitations of S.Ct. Rule 33.1 in that its word count is 2028 words.

Signed

Charles J. Sain

Subscribed and sworn to me this 23rd day of September, 2010, by Charles J. Sain.

OFFICIAL SEAL
John P. Ansloan
NOTARY PUBLIC-STATE OF NEW MEXICO
My Commission Expires 3-5-13

My commission expires on 3-5-13

Notary Public

OFFICIAL SEAL
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SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

September 30, 2010

Charles J. Sain
10018 Inca Ct. N.E.
Albuquerque, NM 87111

RE: Sain v. Snyder, et al.
No: 09-1332

Dear Mr. Sain:

The supplemental brief received September 28, 2010, is herewith returned for failure to comply with Rule 33.1(g)(iv). The petition must have a tan cover.

Sincerely,
William K. Suter, Clerk
By:

Donald Baker
(202) 479-3035

Appendix IV

This Appendix contains the text of the United Nations Universal Declaration of Human Rights

United Nations Universal Declaration of Human Rights

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights

and freedoms is of the greatest importance for the full realization of this pledge,
Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.
* All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.
* Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.
* Everyone has the right to life, liberty and security of person.

Article 4.
* No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.
* No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.
* Everyone has the right to recognition everywhere as a person before the law.

Article 7.
* All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.
* Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.
* No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.
* Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.
* (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
* (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.
* No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.
* (1) Everyone has the right to freedom of movement and residence within the borders of each state.
* (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.
* (1) Everyone has the right to seek and to enjoy in

other countries asylum from persecution.
* (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.
* (1) Everyone has the right to a nationality.
* (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.
* (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
* (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
* (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.
* (1) Everyone has the right to own property alone as well as in association with others.
* (2) No one shall be arbitrarily deprived of his property.

Article 18.
* Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either

alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.
* Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.
* (1) Everyone has the right to freedom of peaceful assembly and association.
* (2) No one may be compelled to belong to an association.

Article 21.
* (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
* (2) Everyone has the right of equal access to public service in his country.
* (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.
* Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of

each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

* (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
* (2) Everyone, without any discrimination, has the right to equal pay for equal work.
* (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
* (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

* Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

* (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
* (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social

protection.

Article 26.

* (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

* (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

* (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

* (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

* (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

* Everyone is entitled to a social and international order in which the rights and freedoms set forth in

this Declaration can be fully realized.

Article 29.
* (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
* (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
* (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.
* Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein